

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

A. O. NO. 115 OF 2006

M/s. Shankar Cotton . . . Appellant

VS.

Solapur Vinkar Sahakari Soot Girni Ltd. & anr. ... Respondents

Mr. S. D. Thokade & M.P.Sugaonkar for appellant

Mr. Kiran Sukase with S. Deshpande for respondent no.2.

CORAM: D. G. KARNIK J.

DATE: 22nd September 2006

P.C.:

1. Heard learned counsel for the parties.
2. Learned counsel for the respondent no.2 raises a preliminary objection about the maintainability of the appeal. He points out that the impugned order is passed under Order 21 Rule 86 of the Civil Procedure Code and no appeal lies against the said order in view of section 104 read with Order 43 of the Code Civil Procedure. In view of this learned counsel for appellant seeks leave to withdraw the appeal with liberty to

challenge the impugned order before the appropriate forum in appropriate proceedings. Leave is granted subject to the law of limitation. Appeal disposed of as withdrawn with liberty as stated above.

(D.G. KARNIK J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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Civil application No. 137 of 2006

in

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M/s. Shankar Cotton . . . Appellant

VS.

Solapur Vinkar Sahakari Soot Girni Ltd. & anr. ... Respondents

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In view of the dismissal of the appeal this civil application does not survive and is disposed of.

(D.G. KARNIK J.)